

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
Civil Action No. 3:23-cv-83-MOC

STEPHANIE WALKER,

Plaintiff,

v.

CITY OF CHARLOTTE,

Defendant.

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**DEFENDANT’S CONSENT MOTION  
TO CONTINUE TRIAL DATE**

NOW COMES Defendant City of Charlotte by and through undersigned counsel, and pursuant to Local Rule 7.1, hereby move for an order continuing the trial in this case and suspending the applicable pretrial deadlines for all parties accordingly. In support of this motion, Defendant states as follows:

1. On January 26, 2024, the Court set the trial date in this case for December 16, 2024, as set forth in the Pretrial Order and Case Management Plan [Doc. 25].

2. The Defendant timely moved for summary judgment on September 13, 2024 [Doc. 30]. Plaintiff responded in opposition to Defendant’s Motion for Summary Judgment on October 4, 2024 [Doc. 33] after receiving an extension of time. Defendant replied to the response on October 18, 2024 [Doc. 35] after receiving an extension of time.

3. On November 7, 2024, the Court heard oral arguments on Defendant’s Motion for Summary Judgment and requested additional briefing from the parties. Plaintiff filed her Supplemental Brief on November 13, 2024 [Doc. 36] and Defendant responded to the Supplemental Brief on November 20, 2024 [Doc. 37]. The Motion and briefing are currently under advisement of the Court.

4. Extensive briefing has been done and it is possible that the Court may not be able to consider and resolve the summary judgment motion before the parties are required to file their pretrial submissions, their motions in limine and supporting briefs, or even until after December 16, 2024, when trial in this matter is scheduled to commence.

5. The pretrial deadlines will require the parties to unnecessarily expend substantial time and resources if there is not an order continuing the trial date. For instance, the parties may be required to prepare and submit trial briefs and jury instructions for claims that may not advance beyond summary judgment or that are otherwise narrowed or clarified by the Court through its decision on summary judgment. Similarly, the parties may be required to prepare and submit motions in limine on matters that may not be relevant at trial.

6. The Court may also be required to needlessly expend substantial resources to review, consider and/or decide pretrial motions and submissions on claims that may or may not advance beyond summary judgment or that are narrowed or clarified by the Court's summary judgment order.

7. Counsel for Defendant have conferred with counsel for Plaintiff and counsel for Plaintiff consents to this Motion, provided that Plaintiff is also excused from all pretrial and trial obligations in this matter, including compliance with current pretrial deadlines, until this Court rules on the aforementioned motions.

8. Plaintiff wishes to bring to the Court's attention that there has been no discovery on any of Plaintiff's claims other than undue influence, and therefore, a trial on Plaintiff's additional claims would not be practical at this point in time.

WHEREFORE, for the reasons set forth herein, Defendant respectfully requests that this Court continue the trial date currently set until at least sixty (60) days after the Court's rulings on

the summary judgment motion and suspend all pretrial deadlines until a new trial date is established by the Court.

This the 6<sup>th</sup> day of December 2024.

**CRANFILL SUMNER LLP**

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### **CERTIFICATE OF SERVICE**

This is to certify that the undersigned has this day electronically filed the foregoing **DEFENDANT'S CONSENT MOTION TO CONTINUE TRIAL DATE** with the Clerk of Court using the CM/ECF system which will send electronic notification of the filing to the following:

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*Attorney for Plaintiff*

This the 6<sup>th</sup> day of December 2024.

### **CRANFILL SUMNER LLP**

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